



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Paul J. Godowski, et al. Serial No. 09/480,977 Filed: 11 January 2000 For: ErbB4 RECEPTOR-SPECIFIC NEUREGULIN RELATED LIGANDS AND USES THEREFOR	Group Art Unit: 1642 Examiner: Holleran, Anne L. Confirmation No: 5001 Customer No: 09157 EXPRESS MAIL LABEL NO.: EV 351 927 256 US DATE OF DEPOSIT: JANUARY 18, 2005
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

I, Paul J. Godowski, Melanie Rose Mark, and Dong Xiao Zhang, declare and say as follows:

1. I am a named inventor of the claimed subject matter of the above-identified patent application. The above-identified patent application claims priority to U.S. Patent Application No. 08/899,437, filed July 24, 1997, which claims priority to U.S. Provisional Application No. 60/052,019, filed July 9, 1997. These priority applications name me or one or more of the other named inventors as inventor.
2. All work described in the above-identified application, the priority patent applications, and the sequence information attached as Exhibit A was performed by me or one of the other named inventors, or on our behalf, in the United States of America.
3. I am aware that some of the claims in the above-identified patent application have been rejected as allegedly anticipated by US Patent 6,727,077, which claims priority to U.S. Provisional Application 60/049,492, filed June 17, 1997.
4. Prior to June 17, 1997, I or one or more of the other named inventors, or a person acting on our behalf, reduced to practice in the United States the NRL EGF-like domain, designated the NRG3 EGF-like domain and SEQ ID NO:4 in the present application.

5. The sequence information attached as Exhibit A (date redacted) was prepared by me or one of the other named inventors, or on our behalf prior to June 17, 1997. All sequence information other than the nucleotide and amino acid sequences of the EGF-like domain, SEQ ID NO:4 of the present application, has been redacted.

6. Prior to June 17, 1997, experiments were conducted by me, one or more of the other named inventors, or a person acting on our behalf, which resulted in the identification and characterization of the molecule referred to in Exhibit A as "NRL" and in the present application as "NRG3," where SEQ ID NO:4 was identified as the EGF-like binding domain comprised within murine NRG3 (SEQ ID NO:2) and human NRG3B1 (SEQ ID NO:6) of the present application. Among other things, these experiments resulted in the determination of the amino acid sequence of the EGF-like domain, highlighted for the purpose of this declaration by underlining on the attached Exhibit A (page 2 of Exhibit A).

7. Thus, on a date preceding June 17, 1997, the priority date of the US6,727,077 patent, SEQ ID NO:4 was reduced to practice in the United States by me or one or more of the other named inventors, or a person acting on our behalf.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____

By: _____

Paul J. Godowski

Date: _____

By: _____

Melanie Rose Mark

Date: _____

By: _____

Dong Xiao Zhang

EXHIBIT A

> /Macintosh HD/Users/davecarpenter/Desktop/mNRL.1617 Folder/mNRL.1617/ss.NRL.final
> 0 Sites [No Sites]
> length: 3059 bp (circular)
> Sequence of Heregulin-related clone NRL
> Sequenced by Jennifer Brush (completed), proofread by Audrey Goddard

1

^start insert

101

201

301

401

501

601

701

801

1

^Met

901

32

BEST AVAILABLE COPY

EXHIBIT A

1001
65
1101
98
1201
132
1301
165
1401
198
1501
232

CACTTCAAAC CCTGTCGAGA CAAGGACCTG
GTGAAGTTTG GGACAGCTCT GTTCCTGGAC
H F K P C R D K D L
^EGF-like domain

1701
298
1801
332
1901
365

GCCTATTGTC TCAATGATGG TGAATGCTTT GTGATTGAGA CCCTGACAGG ATCCCATAG CACTGTCGCT GCAAGGAAGG CTACCAAGGA GTCCGTTGTG
CGCATAACAG AGTTACTACC ACTTACGAAA CACTAACTCT GGGACTGTCC TAGGGTATTC GTGACAGCCA CGTTCCTTCC GATGGTTCCT CAGGCAACAC
298 A Y C L N D
1801 ATCAATTTC
TAGTTAAAGA
332 Q F L
1901
365

BEST AVAILABLE COPY

EXHIBIT A

2001
398
2101
432
2201
465
2301
498
2401
532
2501
565
2601
598
2701
632
2801
665
2901
698
3001

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